UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PEDRO ALEJANDRO ALVAREZ VARGAS, *
                                      *
        Petitioner,   *
                                        *
        v.   *   C.A. No. 18-10635-GAO
                                        *
YOLANDA SMITH,   *
                                      *
        Respondent.   *
                                      *

<u>SERVICE ORDER</u>

O'TOOLE, D.J.

On April 2, 2018, Pedro Alejandro Alvarez Vargas, an immigration detainee confined at the Suffolk County House of Correction, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking immediate release from custody. He names Suffolk County Sheriff Steven W. Tompkins as the sole respondent.

Accordingly:

1.   Yolanda Smith, Superintendent of the Suffolk County House of Correction, shall be substituted as the sole respondent in this action. *See Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004) (immediate custodian of petitioner is proper respondent in habeas action); *Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir. 2000) (same, as applied to immigration detainee); M.G.L. ch. 126, § 16 (sheriff has custody and control of house of correction within the county, except in Suffolk county).

2.   The Clerk shall serve a copy of the petition upon (i) Superintendent Smith; and (ii) the United States Attorney for the District of Massachusetts.

3.   The Respondent shall, no later than April 26, 2018, respond to the petition.

4.   In order to give the Court time to consider the matter, unless otherwise ordered by the Court, Petitioner shall not be moved outside the District of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefor. Any such 48-hour notice period shall commence at the date and time such notice is filed and expire 48 hours later, except "[i]f the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(2)(C).

SO ORDERED.

Date: April 6, 2018

___/s/ George A. O'Toole. Jr. _____
UNITED STATES DISTRICT JUDGE

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